

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

STERLING SAVINGS BANK,
Plaintiff,
v.
GARY DILLEY, an unmarried
individual,
Defendant.

NO. CV-04-0321-LRS

**JOINT PROTECTIVE ORDER RE:
DOCUMENTS OR INFORMATION
DESIGNATED AS "CONFIDENTIAL"**

BEFORE THE COURT is the parties' joint Motion for Joint Protective Order Re: Document or Information Designated as "Confidential" (Ct. Rec. 63). The Court hereby **GRANTS** said motion and enters the following stipulated protective order presented to the Court by counsel for non-parties Bryn Jones, Jeff Dilley, Robin Kisse and Brian David Kisse, and counsel for plaintiff.

IT IS HEREBY ORDERED that in connection with discovery in this action pursuant to Federal Rules of Civil Procedure 26, 33, 35 and 37, that all personal financial records relating to Bryn Jones, Jeff

1 Dilley, and Robin Kisse and Brian David Kisse and any other
2 document or any information designated as "Confidential Information"
3 by the producing party shall only be used, shown or disclosed as
4 provided herein:

5 I) Any producing party may designate any document or
6 information contained in any response or answer to a request for
7 production of documents, interrogatory, deposition or other
8 discovery device, or any portion thereof, as "Confidential
9 Information". All personal financial records relating to Bryn
10 Jones, Jeff Dilley, and Robin Kisse and Brian David Kisse shall be
11 considered "Confidential Information" within the meaning of this
12 Stipulation and Order, without express designation as such.

13 ii) Confidential Information shall be made available only to
14 "Qualified Persons" as defined by Paragraphs 3 and 4 hereof who
15 shall have read this Stipulation and Order and who shall agree to be
16 bound by the terms hereof. No other person shall have access to
17 Confidential Information without approval of the party producing
18 said Confidential Information or without approval of the Court, nor
19 shall any such other person be informed of such Confidential
20 Information by any person having access thereto.

21 iii) "Qualified Persons" as used herein means the Court and its
22 officers, the parties to this Stipulation and Order and their
23 counsel of record, in-house counsel for the parties who are engaged
24 in the preparation of this action for trial and stenographic and
25 clerical employees assisting such counsel who shall be informed by
26 counsel of the provisions of this Order and shall be bound by it.

27 iv) Independent experts retained by any party may be included
28 as "Qualified Persons" if they have executed a certification that

1 they have read this Protective Order and agree to be bound by the
2 terms and conditions hereof. An executed original of that
3 certification shall be filed with the Court and copies furnished to
4 all counsel of record before such persons are given access to
5 Confidential Information.

6 v) Confidential Information may be used solely for the
7 purpose of this litigation and for no other purpose.

8 vi) Nothing contained in this Order shall prevent the use of
9 Confidential Information at trial or at depositions, with
10 appropriate safeguards. If such Confidential Information is used in
11 depositions, all portions of the transcripts of such depositions and
12 exhibits thereto which refer or relate to such Confidential
13 Information shall be treated as confidential, and the party
14 introducing such Confidential Information shall make arrangements
15 with the reporter to bind the confidential portion of the transcript
16 and exhibit separately and label it "Confidential Information". In
17 addition, the deponent will be advised that pursuant to this
18 Protective Order, he may not divulge any such Confidential
19 Information except to Qualified Persons.

20 vii) All documents containing Confidential Information which
21 are filed with the Court shall be filed in sealed envelopes or other
22 appropriate sealed containers on which shall be endorsed the title
23 of this action, an indication of the nature of the words
24 "CONFIDENTIAL INFORMATION" and a statement substantially in the
25 following form:

26 "This envelope is sealed pursuant to order of the court
27 and contains information designated confidential in this
28 case by [name of party] and is not to be opened or the
contents thereof to be displayed or revealed except by
order of the court or pursuant to stipulation of both
parties to this action."

1 Said envelope or container shall not be opened without further order
2 of the Court except by Qualified Persons who shall return the
3 document to the Clerk in a sealed envelope or container. The Clerk
4 of the Court is hereby directed to maintain such Confidential
5 Information in a separate portion of the court files not available
6 to the public.

7 viii) In the event any party desires to disclose to any
8 other person any Confidential Information, counsel for that party
9 shall give at least ten days' written notice to counsel for the
10 party from whom the Confidential Information was obtained, together
11 with a particular description of each document or deposition
12 testimony to be disclosed and the identity (name, address and
13 occupation) of each person to whom such disclosure is intended. The
14 party from whom the Confidential Information was obtained shall have
15 ten days thereafter in which to notify counsel for the inspecting
16 party of any objection to such disclosure.

17 ix) In the event that the party from whom the Confidential
18 Information was obtained objects to the intended disclosure sought
19 by counsel for the inspecting party, the parties shall endeavor to
20 negotiate all objections to disclosure. In the event negotiations
21 fail to resolve objections, counsel for the inspecting party may
22 petition the Court by letter with notice to other counsel for an
23 order to allow disclosure, which disclosures shall otherwise be
24 prohibited absent an order of the Court.

25 x) At the conclusion of this case, all documents and
26 testimony designated or treated as Confidential Information and all
27 copies thereof shall be returned to the counsel for the producing
28 party. If any Confidential Information is furnished hereunder to

1 any expert or to any other person, the attorneys for the party
2 retaining such expert or furnishing such Confidential Information
3 shall be responsible to insure that all Confidential Information is
4 returned to counsel for the producing party.

5 xi) Nothing in this order will prejudice either party from
6 seeking amendments hereto broadening or restricting the rights of
7 access to and use of Confidential Information or other modification
8 hereof.

9 **IT IS SO ORDERED.** The District Court Executive is directed to
10 provide a copy of this order to all parties appearing in this case.

11 DATED this 25th day of April, 2005.

12 *s/Lonny R. Suko*

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LONNY R. SUKO

14 United States District Court Judge

15 Presented by
RANDALL & DANSKIN, P.S.
16 By: s/Robert P. Hailey
Robert P. Hailey, WSBA # 10789
17 Attorneys for Producing Parties
Approved:
18 BALL JANIK, L.L.P.
By: s/ Richard J. Stone
19 Richard J. Stone, WSBA #35912
20 Attorneys for Plaintiff
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